

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00112-MR-WCM

WILLIAM ZIEGLER and)
VICKI ZIEGLER,)
)
Plaintiffs,)
v.)
)
POLARIS INDUSTRIES INC.,)
)
Defendant.)

ORDER

This matter is before the Court on “Defendant Polaris Industries Inc.’s Unopposed Motion for Leave to File Under Seal Certain Documents in Support of its Motions to Exclude Expert Testimony of Dr. Jerry Bauer, Dr. David Bosch, and Robert E. Burnham” (the “Motion to Seal,” Doc. 107).

By the Motion to Seal, Defendant asserts that permanent sealing of certain documents that reference personal health information or sensitive commercial information. The specific documents Defendant seeks to seal are:

- (1) The expert report of Dr. Jerry Bauer, which has been filed provisionally under seal. See Doc. 111.
- (2) Defendant’s Memorandum of Law in Support of its Motion to Exclude Expert Testimony of Dr. David Bosch, which has been filed provisionally under seal. See Doc. 123.
- (3) Defendant’s Memorandum of Law in Support of its Motion to Exclude

Expert Testimony of Robert E. Burnham and Exhibits 1, 3, and 4 attached to that Memorandum in Support and which have each been filed provisionally under seal. See Doc. 126, 126-1, 126-3, 126-4.

These documents are referred to collectively as the “Subject Documents.”

Defendant represents that Plaintiffs consent to the Motion to Seal.

Although Defendant has also made filings that indicate that redacted versions of the Subject Documents have been made available to the public, see Docs. 110-1, 122, 125, 125-1, 125-3, 125-4, those filings are one-to-two page “place holders” and are not versions of the Subject Documents that reflect narrowly tailored redactions.

Additionally, the undersigned has reviewed the Subject Documents and is not persuaded that the Subject Documents should be sealed in their entirety, particularly in the absence of suitably redacted versions appearing on the public record.

IT IS THEREFORE ORDERED:

- (1) That the Motion to Seal (Doc. 107) is **HELD IN ABEYANCE**, and the Subject Documents **SHALL REMAIN PROVISIONALLY SEALED**.
- (2) That on or before **October 31, 2023**, Defendant **SHALL FILE** versions of the Subject Documents that reflect narrowly tailored redactions.

Signed: October 24, 2023

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

